

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

D. G. Sweigert

Plaintiff,

-against-

Jason Goodman

Defendant

**PRO SE**

**23-cv-05875-JGK-VF**

**John G. Koeltl, presiding**

**Valerie Figueredo, referral**

**PLAINTIFF'S NOTICE OF VOLUNTARY WITHDRAWAL PURSUANT  
TO FRCP RULE 41(A)(1)(a)(i) WITHOUT PREJUDICE**

**TO THE CLERK:** COMES NOW *PRO SE* Plaintiff D. G. Sweigert to give NOTICE that as the Defendant has failed to file either an (a) ANSWER or (b) MOTION FOR SUMMARY JUDGMENT the Plaintiff now voluntarily withdraws and dismisses this action pursuant to F.R.C.P. Rule 41(a)(1)(A)(i) without prejudice<sup>1</sup>.

Dated this March 22, 2025 (3/22/25)



**D. G. SWEIGERT, C/O, PMB 13339  
514 Americas Way, Box Elder, SD 57719**

<sup>1</sup> "As the plain terms of Rule 41(a)(1) establish, a plaintiff has an absolute right to dismiss a lawsuit before the defendant has filed an answer or summary judgment motion." *Carter v. U.S.*, 547 F.2d 258, 259 (5th Cir. 1977)" *Blaize-Sampeur v. McDowell*, No 05-CV-4275 (JFB) (ARL), 5 n.3 (E.D.N.Y. Jun. 29, 2007) and "For the reasons stated above, Defendants' request to dismiss the action with prejudice, (Doc. 27), is DENIED." *Thomas v. O'Connell*, 23-CV-10013 (VSB), 5 (S.D.N.Y. Nov. 21, 2024)

**CERTIFICATE OF SERVICE**

Hereby certified under penalties of perjury that a true copy of this pleading has been placed in the U.S. Postal Service with First Class postage affixed and addressed to: Jason Goodman, Apt. 6-S, 252 7<sup>th</sup> Avenue, New York, N.Y. 10001.

Respectfully, Signed on 03/22/2025

A handwritten signature in black ink, appearing to read "D. G. Sweigert".

**D. G. SWEIGERT PRO SE PLAINTIFF, C/O PMB 13339,  
514 Americas Way, Box Elder, SD 57719**